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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,973	06/08/2000	Eric J. Hansen	71189-1300	9893

20915 7590 05/29/2003

MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

EXAMINER

HAMLIN, DERRICK G

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/589,973

Applicant(s)

HANSEN ET AL.

Examiner

Derrick G. Hamlin

Art Unit

1751

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-28

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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DETAILED ACTION

Response to Arguments

In response to the declaration of Kelli Cain, filed 4/29/2003, it appears that oxygen bleaches, such as OXICLEAN have experienced commercial success when used to clean a carpet. The examiner is not sure how the commercial success of the products of others is relevant to the applicant's invention.

The applicant's arguments filed 4/29/2003 have been fully considered but they are not persuasive. The rejection of claims 1-28 under 35 U.S.C. 103(a) as being unpatentable over Miracle et al. (US 5,576,282), and further in view of Ligman (US 5,555,595) or Sham (US 5,386,612) is maintained for the reasons set forth in paper no. 10, filed on 1/29/2003.

The applicant argues that the composition of Miracle, U.S. '282 would not be useable in the carpet cleaning machines of Ligman, U.S. '595 or Sham, U.S. '612. The applicant argues that the composition would have resoiling problems because the Miracle composition is a heavy detergent. The applicant relies on the declaration filed on 4/29/2003, of Eric Hansen and Jesse J. Williams for this information. The applicant has conducted no experiment using the composition of Miracle to prove this assertion, nor has the applicant shown superior or unexpected results over the prior art of reference. The applicant has also failed to show that the bleaching additive in all concentrations would ~~not~~ be an effective cleaner. *(not commensurate in scope)* The applicant's also relies on said declaration in it's argument that the bleaching composition may lighten a carpet.

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Similarly, the applicant has conducted no experiment using the composition of Miracle to prove this assertion, nor has the applicant shown superior or unexpected results over the prior art of reference. The applicant has also failed to prove that the bleaching additive in all concentrations would lighten a carpet and the instant composition would not.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, again the primary reference is deficient, as it fails to teach a carpet cleaning machine employing the cleaning solution disclosed. The primary reference does indicate that the composition is applicable to many types of cleaning operations, such as shampooing carpets. Therefore, one would be motivated to employ one of the following carpet cleaning machines to clean a carpet with the carpet shampoo of the reference. In spite of the references teaching that the composition may be used to clean a carpet, the applicant continues to assert that the composition could not be used.

In view of the forgoing, the above claims have failed to be patently distinguishable over prior art.

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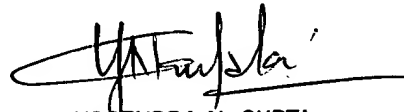
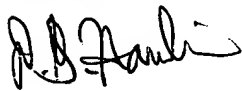
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick G. Hamlin whose telephone number is (703) 305-0590. The examiner can normally be reached on Monday-Thursday and alternating Fridays from 8:30 AM - 5:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Derrick G. Hamlin

5/27/03



YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700